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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER

HUTTON JR, WILLIAM D

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 06/04/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,640

Applicant(s)

CAPPS ET AL.

Examiner

Doug Hutton

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 13 is objected to because of the following informalities:

- the number “11” in Line 1 should be amended to — 12 — because that is the claim from which Claim 13 should depend.

Claim 16 is objected to because of the following informalities:

- the number “4” in Line 1 should be amended to — 14 — because that is the claim from which Claim 16 should depend.

Claim 23 is objected to because of the following informalities:

- the number “18” in Line 1 should be amended to — 21 — because that is the claim from which Claim 23 should depend.

Claim 25 is objected to because of the following informalities:

- the number “27” in Line 1 should be amended to — 18 — because that is the claim from which Claim 25 should depend.

Claim 27 is objected to because of the following informalities:

- the number “17” in Line 1 should be amended to — 18 — because that is the claim from which Claim 27 should depend.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 34-37 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 34

The claim recites "A computer program for carrying out the computer-implementable method recited in any one of Claims 1-32 embedded in another computer program." As currently worded, the claimed invention is functional descriptive material because it comprises merely a computer program.

A "computer program" is not a physical "thing." It is neither a computer component nor a statutory process, because it is not an "act" being performed. Such claimed "computer programs" do not define any structural and functional interrelationships between the "computer program" and other claimed elements of a computer which permit the signal's functionality to be realized.

In contrast, a claimed computer-readable medium encoded with a computer program defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-8, 10, 12, 18-23 and 30-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Snell, *Sams Teach Yourself the Internet in 24 Hours, Third Edition*, Chapter 7 – “*Playing Online Video, Music and Broadcasts*” (Sams Publishing, June 1999).

Claim 1:

Snell discloses a computer-based implementable method of playing media designed for playing on various types of media players (see Pages 1-6), comprising:

- providing a universal media player that includes an media player interface with user actuable control buttons (see Figure 7.4 on Page 3);
- determining whether incoming media to be played is playable by the universal media player; and
 - if the incoming media to be played is playable by the universal media player, intercepting the incoming media and directing the incoming media to the universal media player; or

- if the media to be played is not playable by the universal media player, allowing the incoming media to enable a default media player capable of playing the media (the cited figures and text disclose a computer system that reads on these limitations in that it shows that: 1) WINDOWS MEDIA PLAYER, the “universal media player,” plays most streaming media files; 2) REALPLAYER is another good media player that a user should have on his system; and 3) once the media players are installed on the system, the appropriate player automatically opens anytime the user opens a corresponding media file).

Claim 2:

Snell discloses the method of Claim 1, wherein determining whether the incoming media to be played is playable by the universal media player comprises:

- determining the media type of the incoming media; and
- searching a table of media types to determine whether the media type of the incoming media is playable by the universal media player (the cited figures and text disclose these limitations in that it shows that the computer system includes two media players and each media player will automatically open anytime the user clicks on a corresponding media file).

Claim 4:

Snell discloses the method of Claim 1, wherein the incoming media include audio and video files (as indicated in the cited figures and text, Snell discloses this limitation).

Claim 5:

Snell discloses the method of Claim 1, further including cueing the media if the media is playable on the universal media player (the cited figures and text disclose this limitation in that every media file is ***inherently*** “cued” – before it is played on a proper media file – when it is being prepared for play by the media player).

Claim 6:

Snell discloses the method of Claim 1, wherein cueing the media includes instantiating a media component for the incoming media (the cited figures and text disclose this limitation in that the computer system – on which the media file is to be played – ***inherently*** instantiates a “media component” when the audio and video components of the system are prepared to play the media file).

Claim 7:

Snell discloses the method of Claim 1, wherein the incoming media is a download from a media server (as indicated in the cited figures and text, Snell discloses this limitation).

Claim 8:

Snell discloses the method of Claim 1, herein the incoming media results from a user clicking on a URL link to a server that stores media (as indicated in the cited figures and text, Snell discloses this limitation).

Claim 10:

Snell discloses the method of Claim 1, wherein the incoming media is controlled by a remote navigation event (the cited figures and text disclose this limitation in that the incoming media is “controlled” by the user clicking on a URL).

Claim 12:

Snell discloses the method of Claim 1, further comprising:

- determining whether the incoming media is ready to be played (the cited figures and text disclose this limitation in that the computer system *inherently* determines whether the incoming media is “ready to be played”);
- when the incoming media is ready to be played, initializing an idle media player (the cited figures and text disclose this limitation in that the computer system *inherently* initializes the media player when the incoming media is “ready to be played”); and
- directing the incoming media to the initialized idle media player (the cited figures and text disclose this limitation in that the computer system *inherently* “directs” the media to the media player).

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Claim 18:

Snell discloses the method of Claim 1, further comprising:

- determining whether the incoming media is ready to be played (the cited figures and text disclose this limitation, as explained in the above rejection for Claim 12);
- when the incoming media is ready to be played, displaying an activated universal media player (the cited figures and text disclose this limitation in that the computer system *inherently* displays the media player when the incoming media is “ready to be played”); and
- in response to receiving a request from a user to play, the incoming media activating the universal media player to play the media (when the user hits the play button, the incoming media “activates” the media player to play the media).

Claims 19-23 and 30-32:

Each of these claims is for a basic function – such as changing the volume, changing the size, pausing and stopping – of a media player. Thus, Snell discloses every element of these claims (see Figures 12.10 and 12.11).

Claim 33:

Snell discloses a computer-readable medium containing computer-implementable instructions for performing the method of any one of Claims 1-32.

Claims 1-8, 10, 12, 18-23 and 30-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayward, U.S. Patent Application Publication No. US 2004/0051812 A1.

Claim 1:

Hayward discloses a computer-based implementable method of playing media designed for playing on various types of media players (see Figures 1-5; see Paragraphs 0001-0066), comprising:

- providing a universal media player that includes an media player interface with user actuable control buttons;
- determining whether incoming media to be played is playable by the universal media player; and
 - if the incoming media to be played is playable by the universal media player, intercepting the incoming media and directing the incoming media to the universal media player; or
 - if the media to be played is not playable by the universal media player, allowing the incoming media to enable a default media player capable of playing the media (the cited figures and text disclose a computer system that reads on these limitations in that it makes known: 1) a system including WINDOWS MEDIA PLAYER, REALPLAYER and QUICKTIME Player, any of which could be considered the “universal media player;” 2) a user clicking on a link that connects the user’s system with a streaming media file that is accessed through an embedded media player page; 3)

an embedded media player page that automatically loads the proper media player so that the corresponding streaming media file can be played).

Claim 2:

Hayward discloses the method of Claim 1, wherein determining whether the incoming media to be played is playable by the universal media player comprises:

- determining the media type of the incoming media (the computer system “determines the media type of the incoming media” in that it selects the proper media player to embed into the web page); and
- searching a table of media types to determine whether the media type of the incoming media is playable by the universal media player (the computer system discloses this limitation in that it automatically embeds the proper media player into the web page in order to play the corresponding media file).

Claim 3:

Hayward discloses the method of Claim 2, wherein the table of media types is a MIME table (the cited figures and text disclose this limitation in that the media files are in many different formats).

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Claim 4:

Hayward discloses the method of Claim 1, wherein the incoming media include audio and video files (as indicated in the cited figures and text, Hayward discloses this limitation).

Claim 5:

Hayward discloses the method of Claim 1, further including cueing the media if the media is playable on the universal media player (the cited figures and text disclose this limitation in that every media file is *inherently* “cued” – before it is played on a proper media file – when it is being prepared for play by the media player).

Claim 6:

Hayward discloses the method of Claim 1, wherein cueing the media includes instantiating a media component for the incoming media (the cited figures and text disclose this limitation in that the computer system – on which the media file is to be played – *inherently* instantiates a “media component” when the audio and video components of the system are prepared to play the media file).

Claim 7:

Hayward discloses the method of Claim 1, wherein the incoming media is a download from a media server (as indicated in the cited figures and text, Hayward discloses this limitation).

Claim 8:

Hayward discloses the method of Claim 1, wherein the incoming media results from a user clicking on a URL link to a server that stores media (as indicated in the cited figures and text, Hayward discloses this limitation).

Claim 10:

Hayward discloses the method of Claim 1, wherein the incoming media is controlled by a remote navigation event (the cited figures and text disclose this limitation in that the incoming media is “controlled” by the user clicking on a URL).

Claim 12:

Hayward discloses the method of Claim 1, further comprising:

- determining whether the incoming media is ready to be played (the cited figures and text disclose this limitation in that the computer system ***inherently*** determines whether the incoming media is “ready to be played”);
- when the incoming media is ready to be played, initializing an idle media player (the cited figures and text disclose this limitation in that the computer system ***inherently*** initializes the media player when the incoming media is “ready to be played”); and
- directing the incoming media to the initialized idle media player (the cited figures and text disclose this limitation in that the computer system ***inherently*** “directs” the media to the media player).

Claim 18:

Hayward discloses the method of Claim 1, further comprising:

- determining whether the incoming media is ready to be played (the cited figures and text disclose this limitation, as explained in the above rejection for Claim 12);
- when the incoming media is ready to be played, displaying an activated universal media player (the cited figures and text disclose this limitation in that the computer system *inherently* displays the media player when the incoming media is “ready to be played”); and
- in response to receiving a request from a user to play, the incoming media activating the universal media player to play the media (when the user hits the play button, the incoming media “activates” the media player to play the media).

Claims 19-23 and 30-32:

Every limitation of these claims a basic function – such as changing the volume, changing the size, pausing and stopping – of the media player system disclosed in Hayward, as specified in the cited figures and text.

Claim 33:

Hayward discloses a computer-readable medium containing computer-implementable instructions for performing the method of any one of Claims 1-32.

Claim 34:

Hayward discloses a computer program for carrying the computer-implementable method recited in of any one of Claims 1-32 embedded in another computer program (as indicated in the above rejection for Claim 1 and the cited figures and text, Hayward discloses this limitation).

Claim 35:

Hayward discloses the computer program as claimed in Claim 34, wherein the other program is an Internet browser (as indicated in the cited figures and text, Hayward discloses this limitation).

Claim 36:

Hayward discloses the computer program as claimed in Claim 35, wherein the interface of the universal media player is located in a persistent region of the interface of the Internet browser (as indicated in the cited figures and text, Hayward discloses this limitation).

Claim 37:

Hayward discloses the computer program as claimed in Claim 36, wherein the interface of the Internet browser includes a frame and wherein the interface of the universal media player is located in the frame of the interface of the Internet browser (as indicated in the cited figures and text, Hayward discloses this limitation).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayward, U.S. Patent Application Publication No. US 2004/0051812 A1, in view of Price, U.S. Patent Application Publication No. US 2002/0143973 A1.

Claim 9:

As indicated in the above discussion, Hayward discloses every element of Claim 7.

Hayward fails to expressly disclose a universal media player that also plays media produced by a media disc.

Price teaches a computer-based implementable method of playing media (see Figures 1-3; see Paragraphs 0001-0051), comprising:

- a universal media player that also plays media produced by a media disc (the cited figures and text disclose this limitation in that they show playback of "file based" media),

for the purpose of transmitting the streaming media file to multiple users at a higher data rate.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Hayward, to include:

- a universal media player that also plays media produced by a media disc, for the purpose of transmitting the streaming media file to multiple users at a higher data rate, as taught by Price.

Claim 17:

As indicated in the above discussion, Hayward discloses every element of Claim 1 and determining whether the incoming media is ready to be played.

Hayward fails to expressly disclose:

- determining if the universal media player is remotely synchronized with another media player; and
- if the universal media player is remotely synchronized with another media player, sending a remote navigation event to the other media player.

Price teaches a computer-based implementable method of playing media (see Figures 1-3; see Paragraphs 0001-0051), comprising:

- determining if the universal media player is remotely synchronized with another media player (the cited figures and text disclose this limitation in that they show a media player at the source of the broadcast and remote media players at the client computers); and

- if the universal media player is remotely synchronized with another media player, sending a remote navigation event to the other media player (the cited figures and text disclose this limitation in that they show a source media player and system that broadcasts the media to the remote media players at the client computers),

for the purpose of allowing multiple users to simultaneously view the same streaming media file.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Hayward, to include:

- determining if the universal media player is remotely synchronized with another media player; and
- if the universal media player is remotely synchronized with another media player, sending a remote navigation event to the other media player,

for the purpose of allowing multiple users to simultaneously view the same streaming media file, as taught by Price.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayward, U.S. Patent Application Publication No. US 2004/0051812 A1, in view of Murphy, U.S. Patent No. 6,564,380.

Claim 11:

As indicated in the above discussion, Hayward discloses every element of Claim 1. Hayward also discloses a universal media player that plays media in a plurality of forms (SMIL files, audio files, video files, READAUDIO files, WINDOWS MEDIA files, etc.).

Hayward fails to expressly disclose:

- media in the form of a video telephone call.

Murphy teaches a computer-based implementable method of playing media designed for playing on various types of media players (see Figures 1-11; see Column 1, Line 1 through Column 22, Line 2), comprising:

- a media player that plays media in the form of a video telephone call, for the purpose of facilitating online customer service.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Hayward, to include:

- a universal media player that plays media in the form of a video telephone call, for the purpose of facilitating online customer service, as taught by Murphy.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayward, U.S. Patent Application Publication No. US 2004/0051812 A1, in view of

Cowart et al., Special Edition Using Microsoft Windows 2000 Professional, Chapter 12 –
“World Wide Web” (Que Corporation, February 2000).

Claim 13:

As indicated in the above discussion, Hayward discloses every element of Claim 12.

Hayward fails to expressly disclose:

- displaying an idle media player interface prior to when the incoming media is ready to be played.

Cowart teaches a computer-based implementable method of playing media designed for playing on various types of media players (see Pages 1-8), comprising:

- displaying an idle media player interface prior to when the incoming media is ready to be played,

for the purpose of demonstrating to the user that the media file playback process has begun.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Hayward, to include:

- displaying an idle media player interface prior to when the incoming media is ready to be played,

for the purpose of demonstrating to the user that the media file playback process has begun, as taught by Cowart.

Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayward, U.S. Patent Application Publication No. US 2004/0051812 A1, in view of Smith et al., U.S. Patent Application Publication No. US 2002/0133247 A1.

Claim 14:

As indicated in the above discussion, Hayward discloses every element of Claim 1 and determining whether the incoming media is ready to be played.

Hayward fails to expressly disclose:

- determining whether a current media player is playing media;
- when the incoming media is ready to be played, if a current media player is playing media, stopping and hiding the current media player and initializing an idle media player; and
- directing the incoming media to the initialized idle media player.

Smith teaches a computer-based implementable method of playing media designed for playing on various types of media players (see Figures 1-5; see Paragraphs 0001-0063), comprising:

- determining whether a current media player is playing media (the cited figures and figures and text disclose this limitation in that it shows that the computer system includes a foreground media player that plays a first media stream);
- when the incoming media is ready to be played, if a current media player is playing media, stopping and hiding the current media player and initializing an idle media player (the cited figures and figures and text disclose this limitation in

that it shows that the computer system includes a background media player that receives a second media stream and replaces the foreground media player); and

- directing the incoming media to the initialized idle media player (the cited figures and figures and text disclose this limitation in that it shows that the computer system includes a background media player that plays a second media stream),

for the purpose of allowing the user to experience uninterrupted play of multiple media streams.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Hayward, to include:

- determining whether a current media player is playing media;
- when the incoming media is ready to be played, if a current media player is playing media, stopping and hiding the current media player and initializing an idle media player; and
- directing the incoming media to the initialized idle media player,

for the purpose of allowing the user to experience uninterrupted play of multiple media streams, as taught by Smith.

Claim 16:

Hayward fails to disclose:

- in response to determining that the incoming media is not ready to be played, if a current media player is playing the media, allowing the current media to continue playing media until the incoming media is ready to be played.

Smith teaches:

- in response to determining that the incoming media is not ready to be played, if a current media player is playing the media, allowing the current media to continue playing media until the incoming media is ready to be played (the cited figures and text disclose this limitation in that it shows that the computer system includes a foreground media player that continues to play the first media stream until the background media player is ready to play the second media stream),

for the purpose of allowing the user to experience uninterrupted play of multiple media streams.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Hayward, to include:

- in response to determining that the incoming media is not ready to be played, if a current media player is playing the media, allowing the current media to continue playing media until the incoming media is ready to be played,

for the purpose of allowing the user to experience uninterrupted play of multiple media streams, as taught by Smith.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayward, U.S. Patent Application Publication No. US 2004/0051812 A1, in view of Hunt et al., U.S. Patent Application Publication No. US 2003/0072299 A1.

Claim 15:

As indicated in the above discussion, Hayward discloses every element of Claim 1. Hayward also discloses determining whether the incoming media is ready to be played, as indicated in the above discussion.

Hayward fails to expressly disclose:

- determining whether a time to establish connection has timed out.

Hunt teaches a computer-based implementable method of displaying media (see Figures 1-12; see Paragraphs 0001-0078), comprising:

- determining whether a time to establish connection has timed out,
- for the purposes of conserving network bandwidth, improving transmission time and reducing loads placed on network servers.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Hayward, to include:

- a universal media player that plays media in the form of a video telephone call,
- for the purposes of conserving network bandwidth, improving transmission time and reducing loads placed on network servers, as taught by Hunt.

Claims 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayward, U.S. Patent Application Publication No. US 2004/0051812 A1, in view of Atkinson, U.S. Patent Application Publication No. US 2002/0120879 A1.

Claims 24-29:

These claims essentially recite changing the tracks of a compact disc or DVD. Thus, these claims will be grouped into a single rationale for rejection purposes.

As indicated in the above discussion, Hayward discloses every element of Claim 18.

Hayward fails to expressly disclose:

- changing the track of the media in response to receiving a request to change the track.

Atkinson teaches a computer-based implementable method of playing media (see Figures 1-2; see Paragraphs 0001-0101), comprising:

- changing the track of the media in response to receiving a request to change the track,

for the purpose of controlling the order in which the media is played.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Hayward, to include:

- changing the track of the media in response to receiving a request to change the track,

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for the purpose of controlling the order in which the media is played, as taught by Atkinson.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Lipscomb et al., U.S. Patent Application Publication No. US 2002/0055934 A1; and Hedge et al., U.S. Patent Application Publication No. US 2002/0007418 A1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doug Hutton whose telephone number is (703) 305-1701. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

WDH
May 19, 2004


HEATHER HERNDON
SUPERVISORY PATENT EXAMINER
TECH CENTER 2100